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OFFICE OF PETITIONS

In re Application of :
Sung Lee :
Application No. 10/757,806 : DECISION ON PETITION
Filed: January 14, 2004 :
Attorney Docket No. 4063-4001US1 :

This is a decision on:

- (1) the request to vacate the USPTO notice mailed June 14, 2005, which is properly treated as a petition under 37 C.F.R. 1.181(a)(3) asking the Director to exercise his supervisory authority and review the previous decision of the USPTO in regard to the Request for Withdrawal as Attorneys or Agents filed May 25, 2004;
- (2) the petition to expunge the erroneous Request for Withdrawal as Attorneys or Agents, filed May 25, 2004, under 37 C.F.R. 1.59(b); and
- (3) the renewed petition to withdrawal as attorneys or agents under 37 C.F.R. 1.36(b) and 10.40(c)(1)(iv).

These three petitions were filed concurrently on July 26, 2004.

The request to vacate (petition under 37 C.F.R. 1.181(a)(3)) is **GRANTED**, the petition to expunge under 37 C.F.R. 1.59(b) is **GRANTED**, and the petition to withdrawal 37 C.F.R. 1.36(b) is **GRANTED**.

Request to Vacate the USPTO Notice Mailed June 14, 2005

Petitioner filed a request for withdrawal as attorneys or agents under 37 CFR 1.36 and 10.40(c)(1)(iv) on May 18, 2004. This request properly designated the present application, 10/757,806, as the application to which the request should be matched. On May 25, 2005, petitioner filed another request for withdrawal as attorneys or agents under 37 CFR 1.36 and 10.40(c)(1)(iv), which was intended for application number 09/689,635. However, the May 25, 2004 request provided application number 10/757,806 in the bibliographic information listed at the top of the first page, which suggested that the May 25, 2004 request should be matched with

the present application. Although the additional bibliographic information provided on the May 25, 2004 request corresponded with application number 09/689,635, the May 25, 2004 request was matched with the present application. The May 25, 2004 request, however, does not correspond to the present application, 10/757,806, but to unrelated application 09/689,635.

As a result, the attorneys and/or agents of record in the present application were withdrawn and the official correspondence address for application 10/757,806 was changed to an address and legal entity that are not associated with this application. The Notice of Acceptance of Power of Attorney, mailed June 14, 2004, which acknowledged the May 25, 2004 request, was mailed to this incorrect address rather than the Applicant of the present application.

The decision to accept the withdrawal as attorneys or agents and change of address, as requested in the May 25, 2004 filing, was not correct in regard to application 10/757,806. Accordingly, this decision is vacated. The original attorneys or agents of record, as identified in the declaration filed May 18, 2004, are hereby restored.

Petition to Expunge the Erroneous Request for Withdrawal as Attorneys or Agents

Under the circumstances of this case, the USPTO will remove from the official file the request for withdrawal as attorneys or agents filed May 25, 2004. This request was intended for application 09/689,635, which involves a matter and legal entity that are unrelated to the instant application.

Petition to Withdrawal as Attorneys or Agents

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

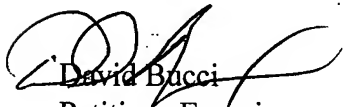
Michael S. Marcus signed the request on behalf of all attorneys or agents of record.

All attorneys/agents previously empowered have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the Applicant's last known address, which is indicated below.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6052 or in his absence, the undersigned at (571) 272-7099.



David Bucci

Petitions Examiner
Office of Petitions

cc: Sung Lee
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